

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

BLACK EMERGENCY RESPONSE TEAM,
et al.,

Plaintiffs,

v.

JOHN M. O'CONNOR, *et al.*,

Defendants.

Case No: 21-cv-1022-G

DEFENDANTS' SURREPLY

The Tulsa exhibit introduced by Defendants 1-18, Doc. 91, included every slide sent to the Department of Education by the complainant and Tulsa Public Schools during the investigation and reconsideration process. To the best of Defendants' knowledge, any additional slides introduced by Plaintiffs are not and never have been in Defendants' possession, nor have they been in possession of Defendants' counsel in this case. Defendants cannot omit slides that they were never given during the evaluation process by the party being investigated (which, again, is not a party in this case).

It is true that Defendants 1-18 have not provided this Court with the Department's entire investigative files for Tulsa or Mustang. Nor did Defendants ever purport to provide this larger collection of documents. Rather, Defendants' primary argument is that these materials are irrelevant to Plaintiffs' as-applied and facial challenges. Doc. 90 at 1. Nevertheless, given the second-hand nature of Plaintiffs' supplemental filing, Defendants 1-18 responded to the new assertions and provided the central document at issue in each case. That Plaintiffs can peruse separately acquired documents and cherry-pick statements says very little compared to the core materials in those cases.

Respectfully submitted,

s/ Zach West

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